

July 1, 2014

**Via Email**

Christopher E. Platten  
Wylie, McBride, Platten & Renner  
2125 Canoas Garden Avenue, Suite 120  
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Gregg M. Adam  
Carroll, Burdick & McDonough  
44 Montgomery Street, Suite 400  
San Francisco, CA 94101-4606

**Re: Proposed Charter Amendment**

Dear Chris and Gregg:

In my correspondence sent yesterday, I inadvertently attached a draft proposal that was subsequently modified.

Attached is the correct version of the language proposed for the November 2014 ballot. I believe the key substantive change is simply the date change – from January 1, 2016 to January 1, 2017.

Thank you.

Very truly yours,



Arthur A. Hartinger  
Attorney at Law  
C: Ed Shikada, City Manager

AAH:rjm  
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7/1/14

**SECTION 1508-A. Future Employees – Limitation on Retirement Benefits – Tier 2.**

(g) (1) Employees who leave or have left City service and are subsequently rehired or reinstated before January 1, 2017 shall be placed into the tier of benefits that applied to them when they left.

(g) (2) Employees who leave or have left City service and are subsequently rehired or reinstated on or after January 1, 2017 shall be placed into the second tier of benefits (Tier 2). Employees who have at least five (5) years of service credit in the Federated City Employees' Retirement System or at least ten (10) years of service credit in the Police and Fire Department Retirement Plan on the date of separation and who have not obtained a return of contributions will have their benefit accrual rate preserved for the years of service prior to their leaving City service.

**SECTION 1509-A. Disability Retirements.**

(a) To receive any disability retirement benefit under any pension plan, City employees must be incapable of engaging in any gainful employment for the City, but not yet eligible to retire (in terms of age and years of service). The determination of qualification for a disability retirement shall be made regardless of whether there are other positions available at the time a determination is made.

(b) An employee is considered "disabled" for purposes of qualifying for a disability retirement, if:

Deleted: all of the following is met

(i) An employee cannot do work that they did before; and

(ii) It is determined that

1) an employee in the Federated City Employees' Retirement System cannot perform any other jobs described in the City's classification plan because of his or her medical condition(s); or

2) an employee in the Police and Fire Department Retirement Plan cannot perform any other jobs described in the City's classification plan in the employee's department because of his or her medical condition(s); or

Deleted: and

3) An employee in the Police and Fire Department Retirement Plan has suffered a serious bodily injury from a single event and the employee's disability has lasted or is expected to last for at least one year or to result in death.

(c) Determinations of disability shall be made by an independent panel of medical experts, appointed by the City Council. The independent panel shall serve to make disability determinations for both plans. Employees and the City shall have a right of appeal to an administrative law judge.

(d) The City may provide matching funds to obtain long term disability insurance for employees who do not qualify for a disability retirement but incur long term reductions in compensation as the result of work related injuries.

(e) The City shall not pay workers' compensation benefits for disability on top of disability retirement benefits without an offset to the service connected disability retirement allowance to eliminate duplication of benefits for the same cause of disability, consistent with the current provisions in the Federated City Employees' Retirement System.